

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P MCDERMOTT,

Plaintiff,

v.

JOHN P POTTER, *Postmaster General, United
States Postal Service,*

Defendant.

CASE NO. C08-1846-JCC

ORDER

This matter comes before the Court on Plaintiff's Motion for Reconsideration (Dkt. No. 21). Plaintiff asks the Court to reconsider its dismissal of this action for failure to effect proper service because he "made a Pleading of Special Matter," which he claims the Court failed to consider. (Mot. 1 (Dkt. No. 21).) The Local Rules provide that:

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

Local Rule W.D. Wash. CR 7(h). Plaintiff has shown neither manifest error nor new facts or legal authority that could not have been brought to the Court's attention earlier.

ORDER – 1

1 Contrary to Plaintiff's assertion, the Court was well-aware of his "Pleading of Special Matter," in
2 which he asked the Court to give him legal advice as to whether he had complied with the Federal Rules
3 of Civil Procedure in attempting to serve the defendants in this action. That pleading, however, was not
4 considered as a motion because it did not seek a proper form of relief. The Court does not offer legal
5 advice to litigants on how to comply with the law, it renders decisions.

6 Moreover, Plaintiff's "Pleading of Special Matter" did not establish "good cause" for his failure to
7 effect proper service. Ignorance of the law and inadvertence do not constitute "good cause" for a failure
8 to timely serve. *See* 1 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 4.82[4] (3d ed. 2008)
9 ("[A] pro se plaintiff's ignorance of the Federal Rules of Civil Procedure is inadequate to support a
10 finding of good cause.") Absent good cause, the Court has the discretion to dismiss without prejudice or
11 to extend the time period. *See In re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001); FED. R. CIV. P. 4(m). In
12 light of Plaintiff's filing of at least one frivolous motion,¹ the Court declines to extend the time period for
13 service and finds that dismissal without prejudice is warranted. Because this matter has been dismissed
14 without prejudice, Plaintiff may re-file the action and follow the proper rules for service and establishing
15 personal jurisdiction.

16 Accordingly, having carefully considered the motion papers and being fully advised, the Court
17 hereby DENIES Plaintiff's motion for reconsideration (Dkt. No. 21).

18 SO ORDERED this 18th day of June, 2009.

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21 
22 John C. Coughenour
UNITED STATES DISTRICT JUDGE

23
24 ¹ Plaintiff filed a motion for sanctions against Defendant's counsel "for using the frivolous defense
25 of 'insufficient service of process' that is not warranted by existing law." (Mot. for Sanctions 2 (Dkt. No.
26 13).) Plaintiff's motion for sanctions has no basis whatsoever in law or fact. Plaintiff also filed a number
of other unfounded motions. (*See* Dkt. Nos. 9 & 11.)